



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE BEGINNING OF ADMINISTRATIVE FINE CASE # 2460

DATE SCANNED 4-25-12

SCANNER NO. 2

SCAN OPERATOR IMP

12092680448



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2011 MAR 31 A 10:27

March 30, 2011

MEMORANDUM

SENSITIVE

TO: The Commission

THROUGH: Alec Palmer *AP*
Acting Staff Director

FROM: Patricia Carmona *PC*
Chief Compliance Officer

Debbie Chacona *DC*
Assistant Staff Director
Reports Analysis Division

BY: Jodi Winship/Sari Pickeral *JWP*
Compliance Branch

SUBJECT: Reason To Relieve Recommendation – 2010 Year-End Report for the
Administrative Fine Program

Attached is a list of political committees and their treasurers who failed to file the 2010 Year-End Report in accordance with 2 U.S.C. 434(a). The Year-End Report was due on January 31, 2011.

The committees listed in the attached RTB Circulation Report either failed to file the report, filed the report no more than thirty (30) days after the due date (considered a late filed report), or filed the report more than thirty (30) days after the due date (considered a non-filed report). In accordance with the schedule of civil money penalties for reports at 11 CFR 111.43, these committees should be assessed the civil money penalties highlighted on the attached circulation report.

Recommendation

1. Find reason to believe that all other political committees and their treasurers listed on the RTB Circulation Report violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalties would be the amounts indicated on the RTB Circulation Report.
2. Send the appropriate letters.

12092680449

Federal Election Commission
Reason to Believe Circulation Report
2010 YEAR-END Not Election Sensitive 01/31/2011 H_S_P_UNAUTH

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2397	C00397083	AMERICAN TELESERVICES ASSOCIATION PAC		TIMOTHY SEARCY	\$171,491	0	2/17/2011	17	\$6,454	\$140
2398	C00413856	ASSOCIATIONS INC. PAC/ASSOCIA PAC		NANCY CUSHMAN	\$100,944	0	3/2/2011	30	\$13,715	\$260
2399	C00434324	BEN GRABER FOR CONGRESS	GRABER, BENJAMIN	BENJAMIN GRABER	\$146,008	0	2/27/2011	27	\$9,600	\$190
2400	C00118828	BOILERMAKERS LOCAL 85 FEDERAL POLITICAL ACTION COMMITTEE		FRED E. KEITH JR.	\$108,428	0	2/28/2011	28	\$874	\$165
2401	C00458349	BURRIS FOR SENATE	BURRIS, ROLAND W	RAYMOND DAVIS	\$162,061	0	2/7/2011	7	\$19,455	\$145

2403	C00486662	CHET D TRAYLOR FOR US SENATE CAMPAIGN	TRAYLOR, CHET D	LARRY W. PICKETT	\$191,340	0		Not Filed	\$95,670 (est)	\$3,850
2404	C00326066	CIRO RODRIGUEZ FOR CONGRESS	RODRIGUEZ, CIRO D.	LUIS R. VERA	\$3,294,855	0	2/13/2011	13	\$16,250	\$175
2405	C00467423	CITIZENS FOR CHRIS GEISSLER	GEISSLER, CHRISTOPHER TODD	MICHAEL JORUDD	\$109,360	0		Not Filed	\$21,872 (est)	\$550
2406	C00486902	CITIZENS FOR JOHN HAGER	HAGER, JOHN VICTOR	ANDREW A. HAGER	\$210,805	0		Not Filed	\$70,288 (est)	\$2,970
2407	C00471482	CODAY FOR US SENATE	CODAY, ARTHUR JR MD	ARTHUR CODAY, JR. MD	\$168,127	0		Not Filed	\$33,625 (est)	\$990
2408	C00476879	COMMITTEE FOR BARBARA OLSCHNER FOR CONGRESS	OLSCHNER, BARBARA F	STEVEN "BO" SMITH	\$122,703	0		Not Filed	\$30,676 (est)	\$990
2409	C00462531	COMMITTEE TO ELECT DR GREG RABIDOUX	RABIDOUX, GREG ROBERT DR	KIMBERLEE E. SMITH	\$158,153	0		Not Filed	\$3,119	\$250
2410	C00466557	COMMITTEE TO ELECT JEAN KURTIS SCHODORF FOR CONGRESS	SCHODORF, JEAN KURTIS	MARILYN CHAPMAN HANSEN	\$225,121	0		Not Filed	\$37,520 (est)	\$990
2411	C00485581	COMMITTEE TO ELECT JUAN N BABAUTA FOR CONGRESS	BABAUTA, JUAN NEKAI	SHELLY ANN GIMA TUDELA	\$102,865	0		Not Filed	\$25,716 (est)	\$990
2412	C00484891	COMMITTEE TO ELECT GLENN WILSON FOR US CONGRESS	WILSON, GLENN A	DEBORAH K. HAMILTON	\$245,513	0		Not Filed	\$61,378 (est)	\$2,970

2415	C00357640	CORINTHIAN COLLEGES INC PAC		PAUL DE GIUSTI	\$174,077	0		Not Filed	\$14,508 (est)	\$550
------	-----------	-----------------------------	--	----------------	-----------	---	--	-----------	----------------	-------

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2416	C00465773	DEON LONG FOR CONGRESS	LONG, OMETRIAS DEON	DEON LONG	\$252,205	1		Not Filed	\$94,068 (est)	\$4,812
2417	C00448241	DOUG TUDOR FOR CONGRESS	TUDOR, DOUGLAS DAVID	DOUGLAS D. TUDOR	\$103,206	3		Not Filed	\$12,901 (est)	\$962
2418	C00482588	DOUGHERTY SENATE CAMPAIGN COMMITTEE	DOUGHERTY, JOHN E III	DR. JODHA KHALSA	\$320,109	0	2/18/2011	18	\$9,744	\$145
2419	C00453498	EARL HENRY SHOLLEY FOR CONGRESS	SHOLLEY, EARL HENRY	RONALD A. GENGO	\$168,568	0		Not Filed	\$21,071 (est)	\$550
2420	C00468694	ERIC WNUCK 2010	WNUCK, ERIC	ERIC WNUCK	\$434,191	1		Not Filed	\$108,548 (est)	\$6,187
2421	C00487231	EUGENE GREEN FOR CONGRESS COMMITTEE	GREEN, EUGENE J JR	EUGENE V. M. GREEN	\$135,872	0		Not Filed	\$67,936 (est)	\$2,970
2422	C00469247	FERRE 2010	FERRE, MAURICE	ELIZABETH M. TETRA III T	\$569,529	0	2/7/2011	7	\$11,994	\$145

2424	C00404350	FRESNO COUNTY DEMOCRATIC WOMEN'S CLUB/DEMOCRATS IN ACTION		HELEN WILSON	\$106,303	0	2/28/2011	28	\$8,669	\$195
2425	C00477646	FRIENDS OF DAVID MADEIRA	MADEIRA, DAVID JAMES	MICHAEL LACEY	\$120,785	0		Not Filed	\$30,196 (est)	\$990
2426	C00481184	FRIENDS OF ROSS BIELING	BIELING, ROSS PARKER	ROSS PARKER BIELING	\$385,138	0		Not Filed	\$128,379 (est)	\$4,950
2427	C00483289	HEALY FOR NY	HEALY, TIMOTHY J	JULIAN H. GINGOLD	\$241,704	0	2/25/2011	25	\$23,094	\$235
2428	C00465856	HENDRY FOR CONGRESS	HENDRY, EDDIE	JOHN NESMITH	\$137,863	0		Not Filed	\$22,977 (est)	\$550
2429	C00483115	HERMANATOR PAC: THE		SCOTT D. TOOMEY	\$441,646	0	2/9/2011	9	\$112,779	\$1,785
2430	C00459412	IRAQ VETERANS FOR CONGRESS POLITICAL ACTION COMMITTEE		CHRIS COVUCCI	\$1,632,238	0	2/24/2011	24	\$65,384	\$2,310
2431	C00478057	JAMES MILANO FOR CONGRESS	MILANO, JAMES	PATRICIA A. FRIEDMAN	\$296,381	0	2/25/2011	25	\$3,385	\$150
2432	C00460642	JIM PICCILLO FOR CONGRESS	PICCILLO, JAMES JOHN	SANDI KEEBLE	\$296,266	0		Not Filed	\$32,918 (est)	\$990
2433	C00484303	JOHNSON FOR CONGRESS	JOHNSON, HARRY CLAUD	HARRY JOHNSON MYRNA	\$121,900	0		Not Filed	\$60,950 (est)	\$2,970
2434	C00482893	JOYCE JOHNSON FOR CONGRESS 2010	JOHNSON, JOYCE STANLEY	PHILLIPS OAKLEY	\$108,799	0		Not Filed	\$35,600 (est)	\$990
2435	C00459420	KEVIN BURNS 4 US SENATE	BURNS, KEVIN A	ROB FLINT	\$189,847	0		Not Filed	\$31,641 (est)	\$990
2436	C00477703	KEVIN POWELL FOR CONGRESS 2010	POWELL, KEVIN	LLOYD COLONA	\$348,015	0		Not Filed	\$116,338 (est)	\$4,950
2437	C00469189	KOLOSSO FOR CONGRESS ELECTION COMMITTEE	KOLOSSO, TODD P	DANIEL KYLE	\$351,080	1		Not Filed	\$58,515 (est)	\$3,712
2438	C00469791	KUIPERS FOR CONGRESS	KUIPERS, WAYNE	TODD LAMBERS	\$464,446	0		Not Filed	\$92,889 (est)	\$3,850
2439	C00463273	LOWRY FOR CONGRESS	LOWRY, ROBERT PAUL	RUTH BELL	\$165,549	0		Not Filed	\$27,592 (est)	\$990

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2440	C00446468	LYNCH FOR CONGRESS	LYNCH, EDWARD J	EDWARD LYNCH	\$260,513	3		Not Filed	\$32,564 (est)	\$1,732
2441	C00208322	MANAGEMENT AND TRAINING CORPORATION POLITICAL ACTION COMMITTEE		LYLE J. PARRY	\$132,878	0		Not Filed	\$18,983 (est)	\$550
2442	C00480038	MARVIN SCOTT FOR CONGRESS 2010	SCOTT, MARVIN B	FRANK L. MUZZILLO	\$457,006	0	3/8/2011	Not Filed	\$18,757	\$550
2443	C00473959	MATT CAMPBELL FOR CONGRESS	CAMPBELL, MATTHEW	MATTHEW CAMPBELL	\$544,842	1		Not Filed	\$90,807 (est)	\$4,812
2444	C00475095	MATTHEW BURKE FOR CONGRESS	BURKE, MATTHEW	JENNIFER BURKE	\$100,517	0	3/18/2011	Not Filed	\$549	\$250
2445	C00432948	MCGOFF FOR CONGRESS	MCGOFF, JOHN P	MARJORIE O'LAUGHLIN	\$557,306	0		Not Filed	\$69,663 (est)	\$2,970
2446	C00462804	MIGUEL ORTIZ FOR CONGRESS	ORTIZ, MIGUEL ANTONIO	LUIS H. VERA	\$186,923	0	2/7/2011	7	\$31,862	\$340
2447	C00483925	MIKE THURMOND FOR US SENATE 2010	THURMOND, MICHAEL LAMAR	MATTHEW WARE	\$673,081	0	3/1/2011	29	\$11,032	\$255
2448	C00483388	MITCHELL FOR CONGRESS	MITCHELL, JOHN M	JOHN LINDLEY, III	\$107,165	0		Not Filed	\$35,722 (est)	\$990
2449	C00463406	MORGAN FOR CONGRESS	MORGAN, VINCENT SCOTT	HON. RD SNYDEN	\$157,457	1		Not Filed	\$31,491 (est)	\$1,237
2450	C00475806	PAULINA FOR CONGRESS	MORRIS, PAULINA VASQUEZ	LISA GRAHAM KEEGAN	\$623,483	0		Not Filed	\$155,871 (est)	\$6,050
2451	C00461343	PHILLIP BRUTUS FOR CONGRESS	BRUTUS, PHILLIP J	CAMELIA SIGUINEAU	\$151,182	0		Not Filed	\$30,236 (est)	\$990
2452	C00469817	PLUMMER FOR CONGRESS	PLUMMER, GLENN RODNEY	WILBERT SEARS	\$108,514	0		Not Filed	\$27,129 (est)	\$990
2453	C00467027	POLLAK FOR CONGRESS	POLLAK, JOEL BARRY	NEIL JOHNSON	\$1,380,339	0		Not Filed	\$172,542 (est)	\$6,050
2454	C00467886	RATOWITZ FOR CONGRESS	RATOWITZ, DAVID	WAYNE HEUSEL	\$129,832	0		Not Filed	\$16,229 (est)	\$550
2455	C00473595	RICHARD LAKE FOR CONGRESS	LAKE, RICHARD DAVID GEORGE	TERRANCE BRADLEY	\$101,188	0		Not Filed	\$33,729 (est)	\$990
2456	C00474700	ROBBIE WILLS FOR CONGRESS	WILLS, ROBERT DALE JR	JERRY ADAMS	\$1,264,153	0		Not Filed	\$252,831 (est)	\$8,800
2457	C00462309	RUTH MCCLUNG FOR CONGRESS	MCCLUNG, RUTH CRAWFORD	ANNE LOFTFIELD	\$1,421,439	0	2/8/2011	8	\$12,453	\$150
2458	C00014082	SAN BERNARDINO COUNTY REPUBLICAN CENTRAL COMMITTEE-FEDERAL		KIRK LARSON	\$116,381	0	2/18/2011	18	\$344	\$115
2459	C00468199	SCHIFF FOR SENATE	SCHIFF, PETER DAVID	ANDREW SCHIFF	\$6,895,439	0		Not Filed	\$1,149,240 (est)	\$12,000
2460	C00461038	SMOOT FOR CONGRESS	SMOOT, SHEILA	ADRIENNE ELLISON	\$485,985	0		Not Filed	\$60,748 (est)	\$2,970
2461	C00477471	SPIKE MAYNARD FOR CONGRESS	MAYNARD, ELLIOTT EDWARD	ROBERT EDWARD RYAN	\$2,045,859	0		Not Filed	\$340,977 (est)	\$8,800
2462	C00473603	STEVE CLARK FOR CONGRESS	CLARK, STEVE	RICK DIRKSE	\$1,236,249	1		Not Filed	\$309,062 (est)	\$11,000

AF#	Committee ID	Committee Name	Candidate Name	Treasurer	Threshold	PV	Receipt Date	Days Late	LOA	RTB Penalty
2463	C00467761	SUE LOWDEN FOR U S SENATE	LOWDEN, SUE	BOB BEERS	\$8,110,396	0	3/3/2011	Not Filed	\$41,529	\$990
2464	C00475772	THE COMMITTEE TO ELECT DINO LAVERGHETTA	LAVERGHETTA, DINO	ROSE LAVERGHETTA	\$205,205	0		Not Filed	\$34,201 (est)	\$990
2465	C00475038	THOMAS C CASTELLANO CAMPAIGN FUND	CASTELLANO, THOMAS C	MARK A. GARCIA	\$102,513	0		Not Filed	\$20,503 (est)	\$550
2466	C00465336	TOM WESLEY FOR US CONGRESS	WESLEY, TOM	PAUL M. YANOVITCH	\$281,751	0		Not Filed	\$35,219 (est)	\$990
2467	C00469304	TOM WIENS FOR US SENATE INC	WIENS, THOMAS J	FRANK SHAW	\$3,133,345	0		Not Filed	\$783,336 (est)	\$11,000
2468	C00335091	TRANSPORTATION INTERMEDIARIES ASSOCIATION'S TIAPAC		ROBERT A. VOLTMANN	\$107,050	0	2/24/2011	24	\$4,300	\$145
2469	C00381699	USINPAC		MILES C. HOGE	\$159,433	0		Not Filed	\$39,858 (est)	\$990

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)	
)	
Reason To Believe Recommendation - 2010)	
Year-End Report for the Administrative)	
Final Program:)	
SUE LOWDEN FOR U S SENATE, and	)	AF# 2463
BOB BEERS as treasurer;)	
ASSOCIATIONS INC. PAC/ASSOCIA	)	AF# 2398
PAC, and CUSHMAN, NANCY as)	
treasurer;)	
MIKE THURMOND FOR US SENATE	)	AF# 2447
2010, and MATTHEW WARE as treasurer;)	
BOHLERMAKERS LOCAL 85 FEDERAL	)	AF# 2400
POLITICAL ACTION COMMITTEE, and)	
FRED E KEITH JR as treasurer;)	
FRESNO COUNTY DEMOCRATIC	)	AF# 2424
WOMEN'S CLUB/DEMOCRATS IN)	
ACTION, and HELEN WILSON as)	
treasurer;)	
BEN GRABER FOR CONGRESS, and	)	AF# 2399
BENJAMIN GRABER as treasurer;)	
HEALY FOR NY, and JULIAN H	)	AF# 2427
GINGOLD as treasurer;)	
JAMES MILANO FOR CONGRESS, and	)	AF# 2431
PATRICIA A FRIEDMAN as treasurer;)	
IRAQ VETERANS FOR CONGRESS	)	AF# 2430
POLITICAL ACTION COMMITTEE, and)	
CHRIS COVUCCI as treasurer;)	
TRANSPORTATION INTERMEDIARIES	)	AF# 2468
ASSOCIATION'S TIAPAC, and ROBERT)	
A VOLTSMANN as treasurer;)	
DOUGHERTY SENATE CAMPAIGN	)	AF# 2418
COMMITTEE, and DR JODHA KHALSA)	
as treasurer;)	
SAN BERNARDINO COUNTY	)	AF# 2458
REPUBLICAN CENTRAL COMMITTEE-)	
FEDERAL, and LARSON, KIRK as)	
treasurer;)	

12092680454

Federal Election Commission
Certification for Administrative Fines
April 01, 2011

Page 2

AMERICAN TELESERVICES) AF# 2397
ASSOCIATION PAC, and SEARCY, TIM)
MR. as treasurer;)
CIRO RODRIGUEZ FOR CONGRESS,) AF# 2404
and VERA, LUIS R. MR. as treasurer;)
HERMANATOR PAC; THE, and SCOTT) AF# 2429
D TOOMEY as treasurer;)
RUTH MCCLUNG FOR CONGRESS, and) AF# 2457
ANNE LOFTFIELD as treasurer;)
BURRIS FOR SENATE, and RAYMOND) AF# 2401
DAVIS as treasurer;)
FERRE 2010, and ELIZABETH M) AF# 2422
TETREAULT as treasurer;)
MIGUEL ORTIZ FOR CONGRESS, and) AF# 2446
LUIS H VERA as treasurer;)

CHET D TRAYLOR FOR US SENATE) AF# 2403
CAMPAIGN, and LARRY W PICKETT as)
treasurer;)
CITIZENS FOR CHRIS GEISSLER, and) AF# 2405
MICHAEL JORUDD as treasurer;)
CITIZENS FOR JOHN HAGER, and) AF# 2406
ANDREW A HAGER as treasurer;)
CODAY FOR US SENATE, and ARTHUR) AF# 2407
CODAY JR MD as treasurer;)
COMMITTEE FOR BARBARA) AF# 2408
OLSCHNER FOR CONGRESS, and)
STEVEN "BO" SMITH as treasurer;)
COMMITTEE TO ELECT DR GREG) AF# 2409
RABIDOUX, and KIMBERLBE E SMITH)
as treasurer;)
COMMITTEE TO ELECT JEAN KURTIS) AF# 2410
SCHODORF FOR CONGRESS, and)
MARILYN CHAPMAN HANSEN as)
treasurer;)
COMMITTEE TO ELECT JUAN N) AF# 2411
BABAUTA FOR CONGRESS, and)
SHELLY ANN GIMA TUDELA as)
treasurer;)
COMMITTEE TO ELECT GLENN) AF# 2412
WILSON FOR US CONGRESS, and)
DEBORAH K HAMILTON as treasurer;)

12092680455

CORINTHIAN COLLEGES INC PAC, and) AF# 2415
DE GIUSTI, PAUL as treasurer;)
DEON LONG FOR CONGRESS, and) AF# 2416
DEON LONG as treasurer;)
DOUG TUDOR FOR CONGRESS, and) AF# 2417
DOUGLAS D. TUDOR as treasurer;)
EARL HENRY SHOLLEY FOR) AF# 2419
CONGRESS, and RONALD A GENGO as)
treasurer;)
ERIC WNUCK 2010, and ERIC WNUCK) AF# 2420
as treasurer;)
EUGENE GREEN FOR CONGRESS) AF# 2421
COMMITTEE, and EUGENE V M GREEN)
as treasurer;)

FRIENDS OF DAVID MADEIRA, and) AF# 2425
MICHAEL LACEY as treasurer;)
FRIENDS OF ROSS BIELING, and) AF# 2426
BIELING, ROSS PARKER as treasurer;)
HENDRY FOR CONGRESS, and JOHN) AF# 2428
NESMITH as treasurer;)
JIM PICCILLO FOR CONGRESS, and) AF# 2432
SANDI KEEBLE as treasurer;)
JOHNSON FOR CONGRESS, and) AF# 2433
HARRY JOHNSON as treasurer;)
JOYCE JOHNSON FOR CONGRESS) AF# 2434
2010, and MYRNA PHILLIPS OAKLEY)
as treasurer;)
KEVIN BURNS 4 US SENATE, and ROB) AF# 2435
FLINT as treasurer;)
KEVIN POWELL FOR CONGRESS 2010,) AF# 2436
and LLOYD COLONA as treasurer;)
KOLOSSO FOR CONGRESS ELECTION) AF# 2437
COMMITTEE, and DANIEL KYLE as)
treasurer;)
KUIPERS FOR CONGRESS, and TODD) AF# 2438
LAMBERS as treasurer;)

12092680456

Federal Election Commission
Certification for Administrative Fines
April 01, 2011

Page 4

LOWRY FOR CONGRESS, and BELL,	)	AF# 2439
RUTH as treasurer;)	
LYNCH FOR CONGRESS, and EDWARD	)	AF# 2440
LYNCH as treasurer;)	
MANAGEMENT AND TRAINING	)	AF# 2441
CORPORATION POLITICAL ACTION)	
COMMITTEE, and LYLE J PARRY as)	
treasurer;)	
MARVIN SCOTT FOR CONGRESS 2010,	)	AF# 2442
and FRANK L MUZZILLO as treasurer;)	
MATT CAMPBELL FOR CONGRESS,	)	AF# 2443
and MATTHEW CAMPBELL as treasurer;)	
MATTHEW BURKE FOR CONGRESS,	)	AF# 2444
and BURKE, JENNIFER as treasurer;)	
MCGOFF FOR CONGRESS, and	)	AF# 2445
O'LAUGHLIN, MARJORIE as treasurer;)	
MITCHELL FOR CONGRESS, and JOHN	)	AF# 2448
LINDLEY III as treasurer;)	
MORGAN FOR CONGRESS, and	)	AF# 2449
SNYDEN, RD HON. as treasurer;)	
PAULINA FOR CONGRESS, and LISA	)	AF# 2450
GRAHAM KEEGAN as treasurer;)	
PHILLIP BRUTUS FOR CONGRESS, and	)	AF# 2451
CAMELIA SIGUINEAU as treasurer;)	
PLUMMER FOR CONGRESS, and	)	AF# 2452
WILBERT SEARS as treasurer;)	
POLLAK FOR CONGRESS, and	)	AF# 2453
JOHNSON, NEIL as treasurer;)	
RATOWITZ FOR CONGRESS, and	)	AF# 2454
WAYNE HEUSEL as treasurer;)	
RICHARD LAKE FOR CONGRESS, and	)	AF# 2455
BRADLEY, TERRANCE as treasurer;)	
ROBBIE WILLS FOR CONGRESS, and	)	AF# 2456
JERRY ADAMS as treasurer;)	
SCHIFF FOR SENATE, and ANDREW	)	AF# 2459
SCHIFF as treasurer;)	
SMOOT FOR CONGRESS, and ELLISON,	)	AF# 2460
ADRIENNE as treasurer;)	
SPIKE MAYNARD FOR CONGRESS, and	)	AF# 2461
ROBERT EDWARD RYAN as treasurer;)	
STEVE CLARK FOR CONGRESS, and	)	AF# 2462
RICK DIRKSE as treasurer;)	
THE COMMITTEE TO ELECT DINO	)	AF# 2464
LAVERGHETTA, and LAVERGHETTA,)	
ROSE as treasurer;)	

12092680457

THOMAS C CASTELLANO CAMPAIGN) AF# 2465
FUND, and MARK A GARCIA as)
treasurer;)
TOM WESLEY FOR US CONGRESS, and) AF# 2466
PAUL M YANOVITCH as treasurer;)
TOM WIENS FOR US SENATE INC, and) AF# 2467
FRANK SHAW as treasurer;)
USINPAC, and HOGE, MILES C. MR. as) AF# 2469
treasurer;)

CERTIFICATION

I, Shelley E. Garr, Deputy Secretary of the Federal Election Commission, do hereby certify that on April 01, 2011 the Commission took the following actions on the Reason To Believe Recommendation - 2010 Year-End Report for the Administrative Fine Program as recommended in the Reports Analysis Division's Memorandum dated March 30, 2011, on the following committees:

AF#2463 Decided by a vote of 6-0 to: (1) find reason to believe that SUE LOWDEN FOR U S SENATE, and BOB BEERS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2398 Decided by a vote of 6-0 to: (1) find reason to believe that ASSOCIATIONS INC. PAC/ASSOCIA PAC, and CUSHMAN, NANCY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2447 Decided by a vote of 6-0 to: (1) find reason to believe that MIKE THURMOND FOR US SENATE 2010, and MATTHEW WARE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

12092680458

AF#2400 Decided by a vote of 6-0 to: (1) find reason to believe that BOILERMAKERS LOCAL 85 FEDERAL POLITICAL ACTION COMMITTEE, and FRED E KEITH JR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2424 Decided by a vote of 6-0 to: (1) find reason to believe that FRESNO COUNTY DEMOCRATIC WOMEN'S CLUB/DEMOCRATS IN ACTION, and HELEN WILSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2399 Decided by a vote of 6-0 to: (1) find reason to believe that BEN GRABER FOR CONGRESS, and BENJAMIN GRABER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2427 Decided by a vote of 6-0 to: (1) find reason to believe that HEALY FOR NY, and JULIAN H GINGOLD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2431 Decided by a vote of 6-0 to: (1) find reason to believe that JAMES MILANO FOR CONGRESS, and PATRICIA A FRIEDMAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2430 Decided by a vote of 6-0 to: (1) find reason to believe that IRAQ VETERANS FOR CONGRESS POLITICAL ACTION COMMITTEE, and CHRIS COVUCCI as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2468 Decided by a vote of 6-0 to: (1) find reason to believe that TRANSPORTATION INTERMEDIARIES ASSOCIATION'S TIAPAC, and ROBERT A VOLTMANN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report;

12092630459

(2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2418 Decided by a vote of 6-0 to: (1) find reason to believe that DOUGHERTY SENATE CAMPAIGN COMMITTEE, and DR JODHA KHALSA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2458 Decided by a vote of 6-0 to: (1) find reason to believe that SAN BERNARDINO COUNTY REPUBLICAN CENTRAL COMMITTEE-FEDERAL, and LARSON, KIRK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2397 Decided by a vote of 6-0 to: (1) find reason to believe that AMERICAN TELESERVICES ASSOCIATION PAC, and SEARCY, TIM MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2404 Decided by a vote of 6-0 to: (1) find reason to believe that CIRO RODRIGUEZ FOR CONGRESS, and VERA, LUIS R. MR. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2429 Decided by a vote of 6-0 to: (1) find reason to believe that HERMANATOR PAC; THE, and SCOTT D TOOMEY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2457 Decided by a vote of 6-0 to: (1) find reason to believe that RUTH MCCLUNG FOR CONGRESS, and ANNE LOFTFIELD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

12092680460

AF#2401 Decided by a vote of 6-0 to: (1) find reason to believe that BURRIS FOR SENATE, and RAYMOND DAVIS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2422 Decided by a vote of 6-0 to: (1) find reason to believe that FERRE 2010, and ELIZABETH M TETREAULT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2446 Decided by a vote of 6-0 to: (1) find reason to believe that MIGUEL ORTIZ FOR CONGRESS, and LUIS H VERA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2403 Decided by a vote of 6-0 to: (1) find reason to believe that CHET D TRAYLOR FOR US SENATE CAMPAIGN, and LARRY W PICKETT as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2405 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS FOR CHRIS GEISSLER, and MICHAEL JORUDD as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2406 Decided by a vote of 6-0 to: (1) find reason to believe that CITIZENS FOR JOHN HAGER, and ANDREW A HAGER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2407 Decided by a vote of 6-0 to: (1) find reason to believe that CODAY FOR US SENATE, and ARTHUR CODAY JR MD as treasurer violated 2 U.S.C. 434(a) and

12092680461

make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2408 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE FOR BARBARA OLSCHNER FOR CONGRESS, and STEVEN "BO" SMITH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2409 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT DR GREG RABIDOUX, and KIMBERLEE E SMITH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2410 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT JEAN KURTIS SCHODORF FOR CONGRESS, and MARILYN CHAPMAN HANSEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2411 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT JUAN N BABAUTA FOR CONGRESS, and SHELLY ANN GIMA TUDELA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2412 Decided by a vote of 6-0 to: (1) find reason to believe that COMMITTEE TO ELECT GLENN WILSON FOR US CONGRESS, and DEBORAH K HAMILTON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

12092680462

AF#2415 Decided by a vote of 6-0 to: (1) find reason to believe that CORINTHIAN COLLEGES INC PAC, and DE GIUSTI, PAUL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2416 Decided by a vote of 6-0 to: (1) find reason to believe that DEON LONG FOR CONGRESS, and DEON LONG as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2417 Decided by a vote of 6-0 to: (1) find reason to believe that DOUG TUDOR FOR CONGRESS, and DOUGLAS D. TUDOR as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2419 Decided by a vote of 6-0 to: (1) find reason to believe that EARL HENRY SHOLLEY FOR CONGRESS, and RONALD A GENGO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2420 Decided by a vote of 6-0 to: (1) find reason to believe that ERIC WNUCK 2010, and ERIC WNUCK as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2421 Decided by a vote of 6-0 to: (1) find reason to believe that EUGENE GREEN FOR CONGRESS COMMITTEE, and EUGENE V M GREEN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

12092680463

AF#2425 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF DAVID MADEIRA, and MICHAEL LACEY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2426 Decided by a vote of 6-0 to: (1) find reason to believe that FRIENDS OF ROSS BIELING, and BIELING, ROSS PARKER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2428 Decided by a vote of 6-0 to: (1) find reason to believe that HENDRY FOR CONGRESS, and JOHN NESMITH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2432 Decided by a vote of 6-0 to: (1) find reason to believe that JIM PICCILLO FOR CONGRESS, and SANDI KEEBLE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2433 Decided by a vote of 6-0 to: (1) find reason to believe that JOHNSON FOR CONGRESS, and HARRY JOHNSON as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2434 Decided by a vote of 6-0 to: (1) find reason to believe that JOYCE JOHNSON FOR CONGRESS 2010, and MYRNA PHILLIPS OAKLEY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

12092680464

AF#2435 Decided by a vote of 6-0 to: (1) find reason to believe that KEVIN BURNS 4 US SENATE, and ROB FLINT as treasurer violated 2 U.S.C. 434(u) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2436 Decided by a vote of 6-0 to: (1) find reason to believe that KEVIN POWELL FOR CONGRESS 2010, and LLOYD COLONA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2437 Decided by a vote of 6-0 to: (1) find reason to believe that KOLOSSO FOR CONGRESS ELECTION COMMITTEE, and DANIEL KYLE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2438 Decided by a vote of 6-0 to: (1) find reason to believe that KUIPERS FOR CONGRESS, and TODD LAMBERS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2439 Decided by a vote of 6-0 to: (1) find reason to believe that LOWRY FOR CONGRESS, and BELL, RUTH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2440 Decided by a vote of 6-0 to: (1) find reason to believe that LYNCH FOR CONGRESS, and EDWARD LYNCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2441 Decided by a vote of 6-0 to: (1) find reason to believe that MANAGEMENT AND TRAINING CORPORATION POLITICAL ACTION COMMITTEE, and LYLE J PARRY as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

12092680465

AF#2442 Decided by a vote of 6-0 to: (1) find reason to believe that MARVIN SCOTT FOR CONGRESS 2010, and FRANK L MUZZILLO as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2443 Decided by a vote of 6-0 to: (1) find reason to believe that MATT CAMPBELL FOR CONGRESS, and MATTHEW CAMPBELL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2444 Decided by a vote of 6-0 to: (1) find reason to believe that MATTHEW BURKE FOR CONGRESS, and BURKE, JENNIFER as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2445 Decided by a vote of 6-0 to: (1) find reason to believe that MCGOFF FOR CONGRESS, and O'LAUGHLIN, MARJORIE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2448 Decided by a vote of 6-0 to: (1) find reason to believe that MITCHELL FOR CONGRESS, and JOHN LINDLEY III as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2449 Decided by a vote of 6-0 to: (1) find reason to believe that MORGAN FOR CONGRESS, and SNYDEN, RD HON. as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2450 Decided by a vote of 6-0 to: (1) find reason to believe that PAULINA FOR CONGRESS, and LISA GRAHAM KEEGAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

12092680466

AF#2451 Decided by a vote of 6-0 to: (1) find reason to believe that PHILLIP BRUTUS FOR CONGRESS, and CAMELIA SIGUINEAU as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2452 Decided by a vote of 6-0 to: (1) find reason to believe that PLUMMER FOR CONGRESS, and WILBERT SEARS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2453 Decided by a vote of 6-0 to: (1) find reason to believe that POLLAK FOR CONGRESS, and JOHNSON, NEIL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2454 Decided by a vote of 6-0 to: (1) find reason to believe that RATOWITZ FOR CONGRESS, and WAYNE HEUSEL as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2455 Decided by a vote of 6-0 to: (1) find reason to believe that RICHARD LAKE FOR CONGRESS, and BRADLEY, TERRANCE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2456 Decided by a vote of 6-0 to: (1) find reason to believe that ROBBIE WILLS FOR CONGRESS, and JERRY ADAMS as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2459 Decided by a vote of 6-0 to: (1) find reason to believe that SCHIFF FOR SENATE, and ANDREW SCHIFF as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

12092680467

AF#2460 Decided by a vote of 6-0 to: (1) find reason to believe that SMOOT FOR CONGRESS, and ELLISON, ADRIENNE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2461 Decided by a vote of 6-0 to: (1) find reason to believe that SPIKE MAYNARD FOR CONGRESS, and ROBERT EDWARD RYAN as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2462 Decided by a vote of 6-0 to: (1) find reason to believe that STEVE CLARK FOR CONGRESS, and RICK DIRKSE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2464 Decided by a vote of 6-0 to: (1) find reason to believe that THE COMMITTEE TO ELECT DINO LAVERGHETTA, and LAVERGHETTA, ROSE as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2465 Decided by a vote of 6-0 to: (1) find reason to believe that THOMAS C CASTELLANO CAMPAIGN FUND, and MARK A GARCIA as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2466 Decided by a vote of 6-0 to: (1) find reason to believe that TOM WESLEY FOR US CONGRESS, and PAUL M YANOVITCH as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

AF#2467 Decided by a vote of 6-0 to: (1) find reason to believe that TOM WIENS FOR US SENATE INC, and FRANK SHAW as treasurer violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

12092680468

AF#2469 Decided by a vote of 6-0 to: (1) find reason to believe that USINPAC, and HOGE, MILES C. MR. as treasuren violated 2 U.S.C. 434(a) and make a preliminary determination that the civil money penalty would be the amount indicated on the report; (2) send the appropriate letter. Commissioners Bauerly, Hunter, McGahn II, Petersen, Walther, and Weintraub voted affirmatively for the decision.

Attest:

April 4, 2011
Date

Shelley E. Garr
Shelley E. Garr
Deputy Secretary

12092680469



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

April 4, 2011

Adrienne Ellison, in official capacity as Treasurer
Smoot for Congress
P.O. Box 1354
Birmingham, AL 35201

C00461038
AF#: 2460

Dear Ms. Ellison:

The Federal Election Campaign Act of 1971, as amended ("the Act"), requires that your committee file a Year End Report of Receipts and Disbursements every calendar year. This report, covering the period through December 31, 2010, was due no later than January 31, 2011. 2 U.S.C. § 434(a). Records at the Federal Election Commission ("FEC") indicate that this report was not filed within thirty (30) days of the due date. You should file this report if you have not already done so.

The Act permits the FEC to impose civil money penalties for violations of the reporting requirements of 2 U.S.C. § 434(a). 2 U.S.C. § 437g(a)(4). On April 1, 2011, the FEC found that there is reason to believe ("RTB") that Smoot for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) by failing to file timely this report on or before January 31, 2011. Based on the FEC's schedules of civil money penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at the RTB stage is \$2,970. Please see the attached copy of the Commission's administrative fine regulations at 11 C.F.R. §§ 111.30-11.46. Attachment 1. The Commission's website contains further information about how the administrative fine program works and how the fines are calculated. See <http://www.fec.gov/af/af.shtml>. 11 C.F.R. § 111.34. Your payment of \$2,970 is due within forty (40) days of the finding, or by May 11, 2011, and is based on these factors:

Sensitivity of Report: Not Election Sensitive
Level of Activity: \$60,748
Number of Days Late: Not Filed
Number of Previous Civil Money Penalties Assessed: 0

At this juncture, the following courses of action are available to you:

1. If You Choose to Challenge the RTB Finding and/or Civil Money Penalty

If you should decide to challenge the RTB finding and/or calculated civil money penalty, you must submit a written response, including the AF# found at the top of page 1 under your committee's identification number, to the FEC's Office of Administrative Review, 999 E Street,

12092680470

NW, Washington, DC 20463. Your response must be received within forty (40) days of the Commission's RTB finding, or May 11, 2011. 11 C.F.R. § 111.35(a). Your written response must include the reason(s) why you are challenging the RTB finding and/or calculated civil money penalty, and must include the factual basis supporting the reason(s) and supporting documentation. The FEC strongly encourages that documents be submitted in the form of affidavits or declarations. 11 C.F.R. § 111.36(c).

The FEC will only consider challenges that are based on at least one of three grounds: (1) a factual error in the RTB finding; (2) miscalculation of the calculated civil money penalty by the FEC; or (3) your demonstrated use of best efforts to file in a timely manner when prevented from doing so by reasonably unforeseen circumstances that were beyond your control. 11 C.F.R. § 111.35(b). In order for a challenge to be considered on the basis of best efforts, you must have filed the required report no later than 24 hours after the end of these reasonably unforeseen circumstances. *Id.* Examples of circumstances that will be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) a failure of Commission computers or Commission-provided software despite your seeking technical assistance from Commission personnel and resources; (2) a widespread disruption of information transmissions over the Internet that is not caused by a failure of the Commission's or your computer systems or Internet service provider; and (3) severe weather or other disaster-related incident. 11 C.F.R. § 111.35(c). Examples of circumstances that will not be considered reasonably unforeseen and beyond your control include, but are not limited to, (1) negligence; (2) delays caused by vendors or contractors; (3) treasurer and staff illness, inexperience or unavailability; (4) committee computer, software, or Internet service provider failures; (5) failure to know filing dates; and (6) failure to use filing software properly. 11 C.F.R. § 111.35(d).

The "failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver" of your right to present such argument in a petition to the U.S. district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If you intend to be represented by counsel, please advise the Office of Administrative Review. You should provide, in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty.

2. If You Choose Not to Pay the Civil Money Penalty and Not to Submit a Challenge

If you do not pay the calculated civil money penalty and do not submit a written response, the FEC will assume that the preceding factual allegations are true and make a final determination that Smoot for Congress and you, in your official capacity as treasurer, violated 2 U.S.C. § 434(a) and assess a civil money penalty.

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA"), as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 *et seq.* The FEC may take any and all appropriate action authorized and required by the DCA, as amended, including transfer to the U.S. Department of the Treasury for collection. 11 C.F.R. § 111.51(a)(2).

3. If You Choose to Pay the Civil Money Penalty

If you should decide to pay the calculated civil money penalty, send the enclosed remittance form, along with your payment, to the FEC at the address on page 4. Upon receipt of your payment, the FEC will send you a final determination letter.

This matter was generated based on information ascertained by the FEC in the normal course of carrying out its supervisory responsibilities. 2 U.S.C. § 437g(a)(2). It will remain confidential in accordance with 2 U.S.C. § 437g(a)(4)(B) and 437g(a)(12)(A) until it is placed on the public record in accordance with 11 C.F.R. § 111.42, unless you notify the FEC in writing that you wish the matter to be made public.

As noted earlier, you may obtain additional information on the FEC's administrative fine program, including the final regulations, on the FEC's website at <http://www.fec.gov/af/af.shtml>. If you have questions regarding the payment of the calculated civil money penalty, please contact Sari Pickerall in the Reports Analysis Division at our toll free number (800) 424-9530 (at the prompt press 5) or (202) 694-1130. If you have questions regarding the submission of a challenge, please contact the Office of Administrative Review at our toll free number (800) 424-9530 (press 0, then ext. 1660) or (202) 694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

ADMINISTRATIVE FINE REMITTANCE & PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the amount of your civil money penalty calculated at RTB is \$2,970 for the 2010 Year-End Report.

Please mail this remittance with a check or money order made payable to the Federal Election Commission to the following address:

Federal Election Commission
P.O. Box 979058
St. Louis, MO 63197-9000

If you choose to send your remittance and payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC #979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The remittance and your payment are due by May 11, 2011. Upon receipt of your remittance and payment, the FEC will send you a final determination letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTS). Your account will be electronically debited for the amount on your check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Smoot for Congress

FEC ID#: C00461038

AF#: 2460

PAYMENT DUE DATE: May 11, 2011

PAYMENT AMOUNT DUE: \$2,970

12092680473



TRUITT
TINGLE &
PARAMORE, LLC

CERTIFIED PUBLIC ACCOUNTANTS

FEC OFFICE OF
ADMIN REVIEW

2011 JUN -2 P 4:51

5346 Stadium Trace Parkway
Suite 202
Birmingham, AL 35244

205.733.8265 (Phone)
205.733.1261 (Fax)

www.ttpcpa.com

May 10, 2011

Cynthia L. Bauerly
Federal Election Commission
Washington, DC 20463

RE: Year End Report and Disbursements FYE 12.31.10
Smoot for Congress

Our firm has been asked to assist the Smoot for Congress campaign with the attached notice and to help the campaign staff complete all filings. In the reading of your letter we found that the following facts and circumstances should be considered in applying the penalties for violations of the reporting requirements of 2 U.S.C. § 434(a).

- The Smoot for Congress campaign has been in compliance with all filing requirements since its beginning and careful attention has been given to the requirements for filing and all deadlines since its inception.
- On January 12, 2011 the FEC began a formal review of the final campaign financial records. Randy Harris was the lead auditor. As part of the meetings with the auditors, campaign workers, the campaign attorney and the candidate the subject of the year end filing was addressed. The auditors told the group not to file the year end report until they had finished their audit work. The auditors completed their fieldwork and had the exit conference on May 5, 2011.
- The campaign has worked with the auditors to supply them with all backup that they have requested and have worked diligently to supply ample back up.

Please review the facts stated above and if needed we can get statements from the campaign attorney, candidate and other workers to state that all actions were based on the advice of the auditors. In no way did the campaign knowingly or willfully violate any filing deadlines. The campaign and all its volunteers in charge operated in good faith upon the advice of others. We are asking that all penalties be abated based on the circumstances and facts stated above. The campaign has gone forward with all filings and they should be complete within the next few days. Also, please note that procedures have been put in place that will insure that all future filings will be filed in a timely manner.

12092680474

Thank you for your consideration in this abatement and please feel free to contact the campaign with any further questions or clarifications that you may need. They are very anxious to get this cleared up so that they can proceed with the actions of finalizing the campaign that ended in 2010. Also please note that we are responding to this letter via fax due to the timeliness and due date for a response. Due to the tornadoes in our region many of the campaign volunteers and the candidate have been devastated and without power for long periods of time. Getting the information and in touch with the needed individuals has been difficult. Thank you for your consideration and please do not hesitate to call if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'BK Paramore', with a large circular flourish at the end.

Brad K. Paramore, CPA
For the Firm

12092680475



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

Via First Class Mail

June 3, 2011

Adrienne Ellison, in official capacity as Treasurer
Smoot for Congress
P.O. Box 1354
Birmingham, AL 35201

C00461038
AF# 2460

Dear Ms. Ellison:

On May 26, 2011, the Commission Office of Administrative Review ("OAR") received your written response ("challenge") which is being reviewed by OAR. Please note that if your intent is to be represented by counsel, you should provide in writing, the name, address and telephone number of your counsel and authorize counsel to receive notifications and communications relating to this challenge and imposition of the calculated civil money penalty. A Designation of Counsel form is included for your convenience.

If you have any questions regarding your challenge, please contact this Office on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

Sincerely,

A handwritten signature in cursive script, appearing to read "Patricia Carmona".

Dayna C. Brown *for*
Reviewing Officer
Office of Administrative Review

Enclosure

12092680476

FEC OFFICE OF
ADMIN REVIEW

2011 JUN -3 P 1:54

Date: June 3, 2011

**REFERRAL TO OFFICE OF ADMINISTRATIVE REVIEW
CHALLENGE RECEIVED**

AF#: 2460

Committee Name: Smoot for Congress

Committee ID#: C00461030

Committee Address (if different than in RTB letter): N

Treasurer Name (if different than in RTB finding): N

Attachments:

Copy of RTB Circulation Report, dated March 30, 2011 and RTB Certification, dated April 4, 2011 (Y/N): N

Attachment #: N/A

Proof of Delivery (to be forwarded at later date if not yet received) (Y/N): Y

Attachment #: 1

Other Relevant Telecoms (Y/N): N

Attachment #: N/A

Original Correspondence Received by RAD in Response to RTB Letter (Y/N): N

Attachment #: N/A

RAD Staff Declaration (Y/N): Y

-2010 Year End Report Prior Notice, dated December 27, 2010.

-Non-Filer Notice, dated February 16, 2011.

-RTB Letter, dated April 4, 2011.

Attachment #: 3

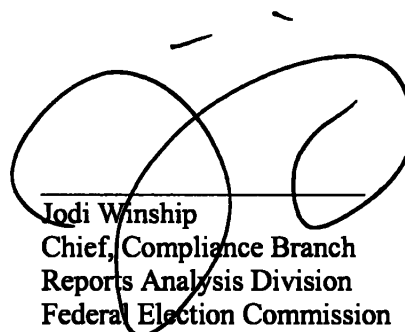
Other RAD Information: (Y/N): Y

Attachment#: 4

12092680477

DECLARATION OF JODI WINSHIP

1. I am the Chief of the Compliance Branch for the Reports Analysis Division of the Federal Election Commission ("Commission"). In my capacity as Chief of the Compliance Branch, I oversee the initial processing of the Administrative Fine Program. I make this declaration based on my personal knowledge and, if called upon as a witness, could and would testify competently to the following matters.
2. I hereby certify that documents identified herein are true and accurate copies of the following sent by the Commission to Smoot for Congress:
 - A) Prior Notice, dated December 27, 2010, referencing the 2010 Year End Report (sent via electronic mail to: SHEILA@SMOOTFORCONGRESS.COM);
 - B) Non-Filer Letter, dated February 16, 2011, referencing the 2010 Year End Report;
 - C) Reason-to-Believe Letter, dated April 4, 2011, referencing the 2010 Year End Report.
3. I hereby certify that I have searched the Commission's public records and find that Smoot for Congress filed the 2010 Year End Report with the Commission on May 16, 2011.
4. Pursuant to 28 U.S.C. 1746, I declare under penalty of perjury that the foregoing is true and correct and that all relevant telecoms for the matter have been provided. This declaration was executed at Washington, D.C. on the 3rd day of June, 2011.



Jodi Winship
Chief, Compliance Branch
Reports Analysis Division
Federal Election Commission



YEAR-END

REPORT NOTICE

FEDERAL ELECTION COMMISSION

CONGRESSIONAL COMMITTEES

December 27, 2010

CURRENT REPORT DUE

I. 2010 GENERAL ELECTION CANDIDATES

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	11/23/10 - 12/31/10	01/31/11	01/31/11

II. UNSUCCESSFUL 2010 PRIMARY ELECTION CAMPAIGN COMMITTEES AND CANDIDATES NOT ACTIVE IN 2010 ELECTIONS

REPORT	REPORTING PERIOD ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
Year-End	10/01/10 - 12/31/10	01/31/11	01/31/11

NOTE FOR COMMITTEES NOT REQUIRED TO FILE A POST-GENERAL ELECTION REPORT CHART II (see above)

For candidates who ran in 2010 but did not participate in the general election, the reporting period for the Year-End Report spans two election cycles. For this report only, committees should instead use the Post-Election Detailed Summary Page (FEC Form 3, Pages 5-8). Committees should not use the normal Detailed Summary Page.

[Click here for Supplemental Filing Information](#)

[See Page 2 for 2011 Reporting Schedule](#)

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

REPORTING SCHEDULE FOR 2011

REPORT	CLOSE OF BOOKS ¹	REG./CERT. & OVERNIGHT MAILING DEADLINE	FILING DEADLINE
April Quarterly	03/31/11	04/15/11	04/15/11
July Quarterly	06/30/11	07/15/11	07/15/11
October Quarterly	09/30/11	10/15/11	10/15/11 ²
Year-End	12/31/11	01/31/12	01/31/12

[Click here for Supplemental Filing Information](#)

¹A reporting period always begins the day after the closing date of the last report filed. If the committee is new and has not previously filed a report, the first report must cover all activity that occurred before the committee registered up through the close of books for the first report due.

²Notice that this filing deadline falls on a weekend. Filing deadlines are not extended when they fall on nonworking days. Accordingly, reports filed by methods other than Registered, Certified or Overnight Mail, or electronically, must be received before the Commission's close of business on the last business day before the deadline.

2010 SUPPLEMENTAL FILING INFORMATION CONGRESSIONAL COMMITTEES

PLEASE NOTE: The Commission provides reminders of upcoming filing dates as a courtesy to help committees comply with the filing deadlines set forth in the Act and Commission regulations. Committee treasurers must comply with all applicable filing deadlines established by law, and the lack of prior notice does not constitute an excuse for failing to comply with any filing deadline.

WHO MUST FILE

Principal campaign committees of congressional candidates ¹ (including unopposed candidates and candidates whose names do not appear on the ballot) must file a Year-End Report on January 31, 2011. ²

Campaigns that raise or spend more than \$5,000 for the 2010 election cycle (and thus trigger registration and reporting requirements) must file quarterly reports throughout 2010, even if the candidate plans to retire, withdraws from the race prior to the primary election, loses the primary or drops out of the race prior to the general election. See 11 CFR 104.5(a)(2).

Before a committee can stop filing with the FEC, it must file a termination report with the Commission. See 11 CFR 102.3. Committees must continue to file reports until the Commission notifies them in writing that their termination report has been accepted.

METHODS OF FILING REPORTS

Electronic Filing

Reports filed electronically must be received and validated by the Commission by 11:59 p.m. Eastern Time on the filing deadline. See 11 CFR 104.5(e).

- Web Page: Electronic Filing Page
- Campaign Guide for Congressional Candidates and Committees (Candidate Guide), pp. 82-84 [PDF]

Paper Filing - Meeting the Filing Deadline

Paper Report filing options -- Registered, Certified or Overnight or First Class Mail. See 11 CFR 104.5(e).

- Web Page: Link to Paper Forms (for downloading and printing)
- Candidate Guide, p. 81 [PDF]

¹ Generally, an individual becomes a candidate for federal office (and thus triggers registration and reporting obligations) when his or her campaign exceeds \$5,000 in either contributions or expenditures. If the campaign has not crossed the \$5,000 threshold, it is not required to file reports. See 11 CFR 100.3(a).

² If a candidate has more than one authorized committee, the principal campaign committee must also file a consolidated report on Form 3Z [PDF].

COMPLIANCE

Treasurer Responsibility

Committee Treasurers are responsible for both the timeliness and the accuracy of all reports. They may be subject to monetary penalties if reports are inaccurate or are not filed on time. See 11 CFR 104.14(d).

- [Statement of Policy Regarding Treasurers Subject to Enforcement Proceedings \[PDF\]](#)
- [Candidate Guide, p. 7 \[PDF\]](#)

Administrative Fine Program

Political committees and their treasurers who fail to file their reports on time may be subject to civil money penalties up to \$17,600 (or more for repeat late- and non-filers).³

See 11 CFR 111.30.

- Web Page: [Administrative Fine Program](#)
- [Candidate Guide, pp. 81-82 \[PDF\]](#)

DISCLOSURE OF LOBBYIST BUNDLING ACTIVITY

Campaign committees must file [FEC Form 3L \[PDF\]](#) if they receive two or more bundled contributions from lobbyists/registrants or lobbyist/registrant PACs that aggregate in excess of \$16,000 during the applicable reporting period ([see page 1 of this notice](#)).

See 11 CFR [104.22](#) and [110.17\(e\)](#).

- The Record: [March 2009 issue \[PDF\]](#)

2010 REPORTING SCHEDULE

- Web Page: [2010 Reporting Dates Page](#)
- The Record: [January 2010 issue \[PDF\]](#)
- [Candidate Guide, p. 79 \[PDF\]](#)

IMPORTANT FILING INFORMATION - PAPER FILERS

In response to the 2001 anthrax threat, the U.S. Postal Service is irradiating mail directed to many federal agencies, including the FEC and the Secretary of the Senate.⁴ This process has not only delayed mail delivery, it has also damaged and in some cases destroyed pieces of mail. As a result, committees that file reports with the FEC may want to consider submitting their reports by some means other than U.S. mail. Alternative methods include electronic filing, overnight mail or delivery service, and hand delivery.

³ Penalties for late- or non-filing of 48-hour notices are based on the amount of contributions not timely disclosed. As a result, these penalties may exceed \$17,600, even for first-time violations.

⁴ Senate committees should contact the Secretary of the Senate at (202) 224-0322 for more information on filing reports via US mail.

FOR INFORMATION, CALL: (800) 424-9530 or (202) 694-1100



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

February 16, 2011

RQ-7

ADRIENNE ELLISON, TREASURER
SMOOT FOR CONGRESS
PG BCK 1354
BIRMINGHAM, AL 35201

IDENTIFICATION NUMBER: C00461038

REFERENCE: YEAR-END REPORT 10/1/2010 - 12/31/2010

DEAR TREASURER:

IT HAS COME TO THE ATTENTION OF THE FEDERAL ELECTION COMMISSION THAT YOU MAY HAVE FAILED TO FILE THE ABOVE REFERENCED REPORT OF RECEIPTS AND EXPENDITURES AS REQUIRED BY THE FEDERAL ELECTION CAMPAIGN ACT, AS AMENDED.

IT IS IMPORTANT THAT YOU FILE THIS REPORT IMMEDIATELY WITH THE FEDERAL ELECTION COMMISSION, 999 E STREET, N.W., WASHINGTON, D.C. 20463 FOR HOUSE CANDIDATES, OR THE SECRETARY OF THE SENATE, 232 HART SENATE OFFICE BUILDING, WASHINGTON, D.C. 20510 (MAILING ADDRESS: OFFICE OF PUBLIC RECORDS, P.O. BOX 2517, ALEXANDRIA, VA 22301), FOR SENATE CANDIDATES. PLEASE NOTE THAT ELECTRONIC FILERS MUST SUBMIT THEIR REPORTS ELECTRONICALLY, AS PER 11 CFR §104.18. A COPY OF THE REPORT MUST ALSO BE FILED WITH THE SECRETARY OF STATE OR EQUIVALENT STATE OFFICER UNLESS THE STATE IS EXEMPT FROM THE FEDERAL REQUIREMENT TO RECEIVE AND MAINTAIN PAPER COPIES. YOU CAN VERIFY THE COMMISSION'S RECEIPT OF ANY DOCUMENTS SUBMITTED BY YOUR COMMITTEE ON THE FEC WEBSITE AT WWW.FEC.GOV.

THE FAILURE TO TIMELY FILE THIS REPORT MAY RESULT IN CIVIL MONEY PENALTIES, AN AUDIT OR LEGAL ENFORCEMENT ACTION. THE CIVIL MONEY PENALTY CALCULATION FOR LATE REPORTS DOES NOT INCLUDE A GRACE PERIOD AND BEGINS ON THE DAY FOLLOWING THE DUE DATE FOR THE REPORT. DUE TO HEIGHTENED SECURITY SCREENING MEASURES, DELIVERY OF MAIL BY THE US POSTAL SERVICE MAY BE DELAYED. THE COMMISSION RECOMMENDS THAT YOU SUBMIT YOUR REPORT VIA OVERNIGHT DELIVERY OR COURIER SERVICE.

IF YOU HAVE ANY QUESTIONS REGARDING THIS MATTER, PLEASE CONTACT CHRISTOPHER RITCHIE AT OUR TOLL FREE NUMBER (800) 424-9530. OUR DIRECT LOCAL NUMBER IS (202) 694-1138.

SINCERELY,

Debbie Chacona

DEBBIE CHACONA
ASSISTANT STAFF DIRECTOR
REPORTS ANALYSIS DIVISION (RAD)

12092680483
11030574078



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2011 JUL 26 P 1:44

SENSITIVE

July 26, 2011

MEMORANDUM

To: The Commission

Through: Alec Palmer *AP*
Acting Staff Director

From: Patricia Carmona - *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Reviewing Officer Recommendation in AF# 2460 – Smoot for Congress
and Adrienne Ellison, in her official capacity as Treasurer (C00461038)

The attached Reviewing Officer Recommendation is being circulated on an informational basis. A copy was also sent to the respondents in accordance with 11 C.F.R. § 111.36(f). The respondents may file with the Commission Secretary a written response within 10 days of transmittal of the recommendation.

After the 10 day period, the Reviewing Officer Recommendation and the respondents' written response, if any, will be circulated to the Commission to make a final determination.

Attachment.

12092680484



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

July 26, 2011

**REVIEWING OFFICER RECOMMENDATION
OFFICE OF ADMINISTRATIVE REVIEW ("OAR")**

AF# 2460 – Smoot for Congress and Adrienne Ellison, in her official capacity as Treasurer
(C00461038)

Summary of Recommendation

Make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$250 civil money penalty.

Reason-to-Believe Background

On April 1, 2011, the Commission found reason to believe ("RTB") that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 Year End Report and made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43. A letter, dated April 4, 2011, was mailed to the respondents' address of record from the Reports Analysis Division ("RAD") to notify them of the Commission's RTB finding and civil money penalty. RAD made several phone calls to the respondents regarding the RTB letter going unclaimed and mailed a copy of the letter to four different addresses before they were able to successfully fax the letter to the respondents on May 6, 2011.

Legal Requirements

The Federal Election Campaign Act ("Act") states that the treasurer of a principal campaign committee shall file a report for the quarter ending December 31 no later than January 31 of the following calendar year. 2 U.S.C. § 434(a)(2)(A)(iii) and 11 C.F.R. § 104.5(a)(1)(i). Reports electronically filed must be received and validated at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31 to be timely filed. 11 C.F.R. §§ 100.19(c) and 104.5(e). The treasurer shall be personally responsible for the timely filing of reports. 11 C.F.R. § 104.14(d).

Respondents' Challenge

On June 2, 2011, the Commission received the written response ("challenge") from Brad K. Paramore, a Certified Public Accountant with Truitt, Tingle & Paramore, LLC, challenging the RTB finding. Mr. Paramore states that the firm was asked by the Committee to assist in this matter, as well as with completing the Committee's filings, and that the following should be considered as it relates to the penalty:

- The respondents have been in compliance with their filings since the Committee's inception;
- On January 12, 2011, the Commission began a formal audit of the Committee. The Year End Report was addressed in meetings between the auditors, and campaign workers including the Committee's attorney and Candidate. The auditors told them not to file the

Year End Report until their audit work was complete. The auditors completed their fieldwork and held their exit conference on May 5, 2011 and the Committee worked diligently to supply the auditors with all the information they requested.

Mr. Paramore states that the respondents did not knowingly or willfully violate any filing deadlines. He requests that all penalties be abated based on the circumstances outlined, and notes that procedures have been put in place that will ensure all future filings are timely.

Included with the challenge is a copy of the RTB letter faxed to the respondents by RAD on May 6, 2011.

Analysis

Because the challenge states the respondents were advised by Commission auditors not to file the Year End Report until the audit was complete, the Reviewing Officer requested additional information from the Audit Division. In his response, the Acting Assistant Staff Director of Audit confirms that the respondents were never informed to wait until audit field work was completed before filing the report and provides the Discussion Notes from a February 9, 2011 conference call attended by the Candidate, the Treasurer, and the Committee's Counsel, along with two Commission Auditors and an Audit Manager. According to the Discussion Notes, the Lead Auditor informed the Candidate that the Year End Report had not been filed, to which the Candidate replied the election was over and she thought the Committee was closed down. The Candidate was advised to file the Year End Report as soon as possible because the Committee was still active and would be unable to terminate until its audit matters are finalized.

Also included in the Acting Assistant Staff Director's response is a copy of emails exchanged between the Lead Auditor and the Candidate. Email records indicate that on February 10, the day after the conference call, the Lead Auditor emailed the Candidate and Treasurer confirming that the Committee had not been terminated and should have filed the Year End Report by its January 31 due date. He further advised that they must continue to file until they have been terminated. The Candidate replied, via email, that same day and indicated that they would file. According to Commission records, because the respondents had not filed the report a week later, a non-filer notice was sent to their address of record on February 16.

The Year End Report was filed on May 16, 2011, 105 days late and more than three months after Audit informed the respondents that they had not filed the report and should do so as soon as possible.

Under the administrative fine regulations, one of the criteria used to calculate the civil money penalty is the level of activity. 11 C.F.R. § 111.43(d). At the time of the RTB finding the Commission had not received the respondents' 2010 Year End Report; therefore, an estimated level of activity (\$60,748) was used to calculate the RTB civil money penalty. 11 C.F.R. § 111.43(d)(2)(i). The report was filed on May 16 and is considered not filed for purposes of the civil money penalty calculation. 11 C.F.R. § 111.43(e)(1). Their report discloses \$0 in receipts and \$3,089 in disbursements, resulting in an actual level of activity of \$3,089. Therefore, using the schedule of penalties at 11 C.F.R. § 111.43(a) and the level of activity

12092680487

bracket of \$1 - \$4,999.99 for respondents with no previous violations, the civil money penalty is $\$250 \times [1 + (.25 \times 0)]$ or \$250, reduced from the RTB civil money penalty of \$2,970.

Their challenge fails to address any of the three valid grounds at 11 C.F.R. § 111.35(b). These are: (i) the RTB finding is based on factual errors; and/or (ii) the improper calculation of the civil money penalty; and/or (iii) they used best efforts to file on time but were prevented from doing so by reasonably unforeseen circumstances that were beyond their control and they filed the report no later than 24 hours after the end of these circumstances. The other issues raised in the challenge (their prior compliance with filing requirements and new procedures to ensure future filings are timely), also do not fall within the list of defenses enumerated at 11 C.F.R. § 111.35(b). Therefore, the Reviewing Officer recommends that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a civil money penalty of \$250.

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2460 involving Smoot for Congress and Adrienne Ellison, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2460 that Smoot for Congress and Adrienne Ellison, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed for the period (\$3,089), assess a civil money penalty of \$250 (reduced from the RTB civil money penalty of \$2,970); and
- (3) Send the appropriate letter.

Reviewing Officer: Dayna C. Brown

Attachments

Attachment 1 – Challenge Received from Respondents

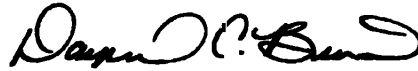
Attachment 2 –

Attachment 3 – Declaration from RAD.

Attachment 4 – Declaration from OAR

DECLARATION OF DAYNA C. BROWN

1. I am the Reviewing Officer in the Office of Administrative Review for the Federal Election Commission ("Commission"). In my capacity as Reviewing Officer, I conduct research with respect to all challenges submitted in accordance with the Administrative Fine program.
2. The 2010 Year End Report is due January 31, 2011. If electronically filed, it must be received and validated by the Commission at or before 11:59 p.m., Eastern Standard/Daylight Time on January 31 to be timely filed
3. I hereby certify that I have searched the Commission's public records and that the documents identified herein are the true and accurate copies of Page 1 of the Summary Page and pages 3 through 6 of the Post-Election Detailed Summary Page for the 2010 Year End Report electronically filed by Smout for Congress and Adrienne Ellison, in her official capacity as Treasurer. According to the Commission's records, the report covers the period from October 1, 2010 through December 31, 2010 and was received on May 16, 2011. Line 16, column A lists \$0 in total receipts for the period. Line 22, column A lists \$3,089.42 in total disbursements for the period.
4. Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Washington on the 26th of July, 2011.



Dayna C. Brown
Reviewing Officer
Office of Administrative Review
Federal Election Commission

12092680488

**FEC
FORM 3****REPORT OF RECEIPTS
AND DISBURSEMENTS**

For An Authorized Committee

Office Use Only

1. NAME OF
COMMITTEE (in full)USE FEC MAILING LABEL
OR TYPE OR PRINT ▼Example: If typing, type
over the lines

Smoot for Congress

ADDRESS (number and street)

PO Box 1354

Check if different
than previously
reported. (ACC)

Birmingham

AL

35201

2. FEC IDENTIFICATION NUMBER ▼

CITY ▲

STATE ▲

ZIP CODE ▲

STATE ▼ DISTRICT

C00461038

3. IS THIS
REPORT

X

NEW
(N)

OR

AMENDED
(A)

AL

07

4. TYPE OF REPORT (Choose One)

(a) Quarterly Reports:

April 15 Quarterly Report (Q1)

July 15 Quarterly Report (Q2)

October 15 Quarterly Report (Q3)

X January 31 Year-End Report (YE)

Termination Report (TER)

(b) 12-Day PRE-Election Report for the:

Primary (12P)

General (12G)

Runoff (12R)

Convention (12C)

Special (12S)

Election on

in the
State of

(c) 30-Day POST-Election Report for the:

General (30G)

Runoff (30R)

Special (30S)

Election on

in the
State of

5. Covering Period

10

01

2010

through

12

31

2010

I certify that I have examined this Report and to the best of my knowledge and belief it is true, correct and complete.

Type or Print Name of Treasurer

Adrienne Ellison

Signature of Treasurer

Electronically Filed by Adrienne Ellison

Date

05

12

2011

NOTE : Submission of false, erroneous, or incomplete information may subject the person signing this Report to the penalties of 2 U.S.C 437g.

Office
Use
Only**FEC FORM 3**
(Revised 02/2003)

FE5AN018

12092680489

POST-ELECTION DETAILED SUMMARY PAGE

FEC Form 3 (Revised 07/05)

Report of Receipts and Disbursements

3 / 9

. If the candidate participated in the general election, use this form for the 30-day Post-General report.

. If the candidate did NOT participate in the general election, use this form for the Year-end report covering through December 31 of the election year (due on January 31).

This form is used in lieu of filling out Line Numbers 6 through 7 on Page 2 (Summary Page) and Pages 3 and 4 (the Detailed Summary Page) for the last report filed by a candidate during the current election cycle.

Write or Type Committee Name

Smoot for Congress

Report Covering the Period: From:

M	M	D	D	Y	Y	Y	Y
1	0	0	1	2	0	1	0

To:

M	M	D	D	Y	Y	Y	Y
1	2	3	1	2	0	1	0

I. RECEIPTS

COLUMN A Total this Period	COLUMN B Election Cycle Total as of <table border="0"><tr><td>M</td><td>M</td><td>D</td><td>D</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td></tr><tr><td>1</td><td>1</td><td>0</td><td>2</td><td>2</td><td>0</td><td>1</td><td>0</td></tr></table> (date of general election)	M	M	D	D	Y	Y	Y	Y	1	1	0	2	2	0	1	0	COLUMN C Total for <table border="0"><tr><td>M</td><td>M</td><td>D</td><td>D</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td></tr><tr><td>1</td><td>1</td><td>0</td><td>3</td><td>2</td><td>0</td><td>1</td><td>0</td></tr></table> (date after general election) through <table border="0"><tr><td>M</td><td>M</td><td>D</td><td>D</td><td>Y</td><td>Y</td><td>Y</td><td>Y</td></tr><tr><td>1</td><td>2</td><td>3</td><td>1</td><td>2</td><td>0</td><td>1</td><td>0</td></tr></table> (last day of reporting period)	M	M	D	D	Y	Y	Y	Y	1	1	0	3	2	0	1	0	M	M	D	D	Y	Y	Y	Y	1	2	3	1	2	0	1	0
M	M	D	D	Y	Y	Y	Y																																											
1	1	0	2	2	0	1	0																																											
M	M	D	D	Y	Y	Y	Y																																											
1	1	0	3	2	0	1	0																																											
M	M	D	D	Y	Y	Y	Y																																											
1	2	3	1	2	0	1	0																																											
11. CONTRIBUTIONS (other than loans) FROM:																																																		
(a) Individuals/Persons Other than Political Committees																																																		
(i) Itemized (Use Schedule A)																																																		
0.00	152056.00	0.00																																																
(ii) Unitemized																																																		
0.00	0.00	0.00																																																
(iii) Total of contributions from individuals																																																		
0.00	152056.00	0.00																																																
(b) Political Party Committees																																																		
0.00	0.00	0.00																																																
(c) Other Political Committees																																																		
0.00	81000.00	0.00																																																

**POST-ELECTION DETAILED
SUMMARY PAGE
Report of Receipts and Disbursements**

COLUMN A Total this Period	COLUMN B Election Cycle Total as of * (date of general Election) (* See page 5 for date)	COLUMN C Total for * (date after general election) Through * (last day of reporting period) (* See page 5 for dates)
<hr/>		
(d) The Candidate		
0.00	0.00	0.00
(e) TOTAL CONTRIBUTIONS (other than loans) (add Lines 11(a)(iii), (b), (c) and (d))		
0.00	233056.00	0.00
12. TRANSFERS FROM OTHER AUTHORIZED COMMITTEES		
0.00	0.00	0.00
13. LOANS:		
(a) Made or Guaranteed by the Candidate		
0.00	0.00	0.00
(b). All Other Loans		
0.00	0.00	0.00
(c). TOTAL LOANS (add Lines 13(a) and (b))		
0.00	0.00	0.00
14. OFFSETS TO OPERATING EXPENDITURES (refunds, rebates, etc)		
0.00	0.00	0.00
15. OTHER RECEIPTS (Dividends, Interest, etc)		
0.00	0.00	0.00
16. TOTAL RECEIPTS (add 11(e), 12, 13(c), 14 and 15)		
0.00	233056.00	0.00
<hr/>		

POST ELECTION DETAILED SUMMARY PAGE

FEC Form 3 (Revised 1/01)

Report of Receipts and Disbursements

5 / 9

Write or Type Committee Name

Smoot for Congress

Report the covering period

From:

10

01

2010

To:

12

31

2010

II. DISBURSEMENTS

COLUMN A Total this period	COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date)	COLUMN C Total for * Through * (date after general election) (last day of reporting period) (* See page 5 for date)
17. OPERATING EXPENDITURES		
3089.42	257372.92	2069.18
18. TRANSFER TO OTHER AUTHORIZED COMMITTEES		
0.00	0.00	0.00
19. LOAN PAYMENTS		
(a) Of Loans Made or Guaranteed by the Candidate		
0.00	0.00	0.00
(b) Of All Other Loans		
0.00	0.00	0.00
(c) TOTAL LOAN REPAYMENTS (add Lines 19(a) and 19(b))		
0.00	0.00	0.00
20. REFUNDS OF CONTRIBUTIONS TO:		
(a) Individuals/Persons Other Than Political Committees		
0.00	0.00	0.00
(b) Political Party Committees		
0.00	0.00	0.00

**POST ELECTION DETAILED
SUMMARY PAGE**

6 / 9

FEC Form 3 (Revised 1/01)

Report of Receipts and Disbursements

COLUMN A Total this period	COLUMN B Election Cycle Total as of * (date of general election) (* See page 5 for date)	COLUMN C Total for * Through * (date after general election) (last day of reporting period) (* See page 5 for date)
(c) Other political committees (such as PACs)		
0.00	0.00	0.00
(d) TOTAL CONTRIBUTION REFUNDS (See Lines 20(a), (b) and (c))		
0.00	0.00	0.00
21. OTHER DISBURSEMENTS		
0.00	0.00	0.00
22. TOTAL DISBURSEMENTS (add lines 17, 18, 19(c), 20(d), and 21)		
3089.42	257372.92	2069.18

III. NET CONTRIBUTIONS (OTHER THAN LOANS)

(Note: Substitute in lieu of Line #6 of Summary Page for this report only; subtract line 20(d) from Line 11(e))

0.00	233056.00	0.00
------	-----------	------

IV. NET OPERATING EXPENDITURES

(Note: Substitute in lieu of Line #7 of Summary Page for this report only; subtract line 14 from Line 17)

3089.42	257372.92	2069.18
---------	-----------	---------

V. CASH SUMMARY

23. CASH ON HAND AT BEGINING OF REPORTING PERIOD	-6296.86
24. TOTAL RECEIPTS AT THIS PERIOD (from Line 16).....	0.00
25. SUBTOTAL(add Line 23 and Line 24)	-6296.86
26. TOTAL DISBURSEMENTS AT THIS PERIOD (from Line 22).....	3089.42
27. CASH ON HAND AT CLOSE OF REPORTING PERIOD (Subtract Line 26 from Line 25).....	-9386.28



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

VIA EXPRESS MAIL

July 27, 2011

Adrienne Ellison, in official capacity as Treasurer
Smoot for Congress
P.O. Box 1354
Birmingham, AL 35201

C00461038
AF# 2460

Dear Ms. Ellison:

On April 1, 2011, the Federal Election Commission ("Commission") found reason to believe ("RTB") that Smoot for Congress and you, in your official capacity as Treasurer ("respondents"), violated 2 U.S.C. § 434(a) for failing to file the 2010 Year End Report. The Commission also made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43.

After reviewing the written response and any supplemental information submitted by you and Commission staff, the Reviewing Officer has recommended that the Commission make a final determination in this matter. A copy of the Reviewing Officer's recommendation is attached.

You may file with the Commission Secretary a written response to the recommendation within 10 days of the date of this letter. Your written response should be sent to the Commission Secretary, 999 E Street, NW, Washington, DC 20463. As a result of the anthrax threat in the Washington, DC area, US Postal Service mail delivery to federal agencies, including the Commission, has been interrupted. Until regular mail delivery resumes, you may also file your written response with the Commission Secretary via facsimile (202-208-3333) or by courier at the same address (if you use an overnight delivery service, please use zip code 20004 instead of zip code 20463). Please include the AF # in your response. Your response may not raise any arguments not raised in your original written response or not directly responsive to the Reviewing Officer's recommendation. 11 C.F.R. § 111.36(f). The Commission will then make a final determination in this matter.

Please contact me at the toll free number 800-424-9530 (press 0, then press 1660) or 202-694-1660 if you have any questions.

Sincerely,

Dayna C. Brown
Reviewing Officer
Office of Administrative Review

Attachment

12092680494



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

2011 AUG 25 P 4: 19

August 25, 2011

MEMORANDUM

SENSITIVE

To: The Commission

Through: Alec Palmer *AP*
Staff Director

From: Patricia Carmona *PC*
Chief Compliance Officer

Dayna C. Brown *DCB*
Reviewing Officer
Office of Administrative Review

Subject: Final Determination Recommendation in AF# 2460 – Smoot for Congress and
Adrienne Ellison, in her official capacity as Treasurer (C00461038)

On April 1, 2011, the Commission found reason to believe (“RTB”) that the respondents violated 2 U.S.C. § 434(a) for failing to file the 2010 Year End Report and also made a preliminary determination that the civil money penalty was \$2,970 based on the schedule of penalties at 11 C.F.R. § 111.43

On June 2, 2011, the Commission received their written response (“challenge”). After reviewing the challenge, the Reviewing Officer’s recommendation (“ROR”) dated July 26, 2011 was forwarded to the Commission, a copy was forwarded to the respondents, and is hereby incorporated by reference. The Reviewing Officer recommended that the Commission make a final determination that the respondents violated 2 U.S.C. § 434(a) and assess a \$250 civil money penalty because they submitted no evidence that a factual error was made in the RTB finding, that the penalty was miscalculated at RTB or that they used best efforts to file on time. 11 C.F.R. § 111.35(b).

Within 10 days of transmittal of the recommendation, they may file a written response with the Commission Secretary which may not raise any arguments not raised in their challenge or not directly responsive to the ROR. 11 C.F.R. § 111.36(f).

On August 17, 2011, the Commission received a faxed letter from Brad K. Paramore, the Certified Public Accountant who submitted the original challenge on the respondents’ behalf. Mr. Paramore indicated that he met with the Candidate and they are prepared to pay the \$250 penalty recommended in the ROR, and close the matter.

12092680495

OAR Recommendations

- (1) Adopt the Reviewing Officer recommendation for AF# 2460 involving Smoot for Congress and Adrienne Ellison, in her official capacity as Treasurer, in making the final determination;
- (2) Make a final determination in AF# 2460 that Smoot for Congress and Adrienne Ellison, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed for the period (\$3,089), assess a civil money penalty of \$250 (reduced from the RTB civil money penalty of \$2,970); and
- (3) Send the appropriate letter.

Attachment

12092680496

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of)
)
Final Determination Recommendation:) AF 2460
Smoot for Congress and Adrienne)
Ellison, in her official capacity as)
Treasurer (C00461038))

CERTIFICATION

I, Shawn Woodhead Werth, Secretary and Clerk of the Federal Election Commission, do hereby certify that on September 08, 2011, the Commission decided by a vote of 5-0 to take the following actions in AF 2460:

1. Adopt the Reviewing Officer recommendation for AF# 2460 involving Smoot for Congress and Adrienne Ellison, in her official capacity as Treasurer, in making the final determination.
2. Make a final determination in AF# 2460 that Smoot for Congress and Adrienne Ellison, in her official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed for the period (\$3,089), assess a civil money penalty of \$250 (reduced from the RTB civil money penalty of \$2,970).
3. Send the appropriate letter.

Commissioners Baunrly, Hunter, Petersen, Walther, and Weintraub voted affirmatively for the decision. Commissioner McGahn II did not vote.

Attest:

September 8, 2011
Date

Shawn Woodhead Werth
Shawn Woodhead Werth
Secretary and Clerk of the Commission

12092680497



FEDERAL ELECTION COMMISSION
WASHINGTON, D.C. 20463

September 13, 2011

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Adrienne Ellison, in official capacity as Treasurer
Smoot for Congress
P.O. Box 1354
Birmingham, AL 35201

C00461038
AF# 2460

Dear Ms. Ellison:

On April 1, 2011, the Federal Election Commission ("the Commission" found reason to believe that Smoot for Congress and you, in your his official capacity as Treasurer, violated 2 U.S.C. § 434(a) for failing to file the 2010 Year End Report. By letter dated April 4, 2011, the Commission sent you notification of the RTB finding that included a civil money penalty calculated at RTB of \$2,970 in accordance with the schedule of penalties at 11 C.F.R. § 111.43. On June 2, 2011, the Office of Administrative Review received the written response challenging the RTB finding.

The Reviewing Officer reviewed the Commission's RTB finding with its supporting documentation and your written response. Based on this review, the Reviewing Officer recommended that the Commission reduce the RTB civil money penalty because it was calculated using an estimated level of activity, make a final determination that Smoot for Congress and you, in your his official capacity as Treasurer, violated 2 U.S.C. § 434(a) and, based on the actual level of activity disclosed on the Year End Report filed May 16, 2011 (\$3,089), assess a civil money penalty in the amount of \$250 in accordance with 11 C.F.R. § 111.43. The basis for the Reviewing Officer's recommendation was included in the Final Determination Report, a copy of which was sent to you on July 27, 2011.

On September 8, 2011, the Commission adopted the Reviewing Officer's recommendation, made a final determination that Smoot for Congress and you, in your official capacity as Treasurer, violated 2 U.S.C. § 434(a) and based on the level of activity disclosed on the 2010 Year End Report (\$3,089), assessed a civil money penalty of \$250 (reduced from the RTB civil money penalty of \$2,970). It is based on the same factors used to calculate the civil money penalty at RTB except that the actual rather than the estimated level of activity was used. A copy of the final determination memorandum is attached.

12092680498

If You Choose to Appeal the Final Determination and/or Civil Money Penalty

If you choose to appeal the final determination, you should submit a written petition, within 30 days of receipt of this letter, to the district court of the United States for the district in which the committee or treasurer reside, or transact business, requesting that the final determination be modified or set aside. See 2 U.S.C. § 437g(a)(4)(C)(iii). The failure to raise an argument in a timely fashion during the administrative process shall be deemed a waiver of the respondents' right to present such argument in a petition to the district court under 2 U.S.C. § 437g. 11 C.F.R. § 111.38.

If You Choose Not to Pay the Civil Money Penalty and Not to Appeal

Unpaid civil money penalties assessed through the Administrative Fine regulations will be subject to the Debt Collection Act of 1982 ("DCA") as amended by the Debt Collection Improvement Act of 1996 ("DCIA"), 31 U.S.C. § 3701 et seq. If you do not pay this debt within 30 days (or file a written petition to a federal district court - see below), the Commission will transfer the debt to the U.S. Department of the Treasury ("Treasury") for collection. Within 5 days of the transfer to Treasury, Treasury will contact the debtor and request payment. Treasury currently charges a fee of 28% of the civil money penalty amount for its collection services. The fee will be added to the amount of the civil money penalty that you owe. Should Treasury's attempts fail, Treasury will refer the debt to a private collection agency ("PCA"). If the debt remains unpaid, Treasury may recommend that the Commission refer the matter to the Department of Justice for litigation.

If You Choose to Pay the Civil Money Penalty

If you should decide to pay the civil money penalty, send the enclosed form and payment to the address on page 3 within 30 days of receipt of this letter.

The confidentiality provisions at 2 U.S.C. § 437g(a)(12) no longer apply and this matter is now public. The file will be made a part of the public record pursuant to 11 C.F.R. § 111.42(b). Although the file must be placed on the public record within 30 days from the date of the Commission's notification, this could occur at any time following certification of the Commission's vote.

If you have any questions regarding the payment of the civil money penalty, please contact Dayna Brown on our toll free number (800)424-9530 (press 0, then ext. 1660) or (202)694-1660.

On behalf of the Commission,


Cynthia L. Bauerly
Chair

Attachment

ADMINISTRATIVE FINE PAYMENT INSTRUCTIONS

In accordance with the schedule of penalties at 11 C.F.R. § 111.43, the civil money penalty is \$250 for the 2010 Year End Report.

This penalty should be paid by check or money order, made payable to the Federal Election Commission. It should be sent by mail to:

Federal Election Commission
PO Box 979058
St. Louis, MO 63197-9000

If you choose to send your payment by courier or overnight delivery, please use this address:

U.S. Bank - Government Lockbox
FEC # 979058
1005 Convention Plaza
Attn: Government Lockbox, SL-MO-C2GL
St. Louis, MO 63101

The form and payment are due within 30 days of receipt of this letter.

PAYMENTS BY PERSONAL CHECK

Personal checks will be converted into electronic funds transfers (EFTs). Your account will be electronically debited for the amount on the check, usually within 24 hours, and the debit will appear on your regular statement. We will destroy your original check and keep a copy of it. In case the EFT cannot be processed for technical reasons, you authorize us to process the copy in lieu of the original check. Should the EFT not be completed because of insufficient funds, we may try to make the transfer twice.

PLEASE DETACH AND RETURN THE PORTION BELOW WITH YOUR PAYMENT

FOR: Smoot for Congress

FEC ID#: C00461038

AF#: 2460

PAYMENT AMOUNT DUE: \$250

QUALITY IS OUR PRIORITY FOR LOCKBOX 9058
SEQ# 001 \$ 0000025000 BA# 1 03-05-12 20 4



Check # [redacted] Date March 10, 2012 01-1/220

Pay to the Order of Federal Election Commission \$250.00

Two Hundred Fifty Dollars & no cents Dollars

REGIONS

For SMOOT For Congress

[Signature]

[redacted]

12092680501



FEDERAL ELECTION COMMISSION
Washington DC 20463

THIS IS THE END OF ADMINISTRATIVE FINE CASE # 2460

DATE SCANNED 4-20-12

SCANNER NO. 2

SCAN OPERATOR JMP

12092680502